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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

LE, UYEN CHAU N

ART UNIT PAPER NUMBER

2876

DATE MAILED: 08/29/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/544,292

Applicant(s)

BONNER ET AL.

Examiner

Uyen-Chau N. Le

Art Unit

2876

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-27 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 5,6.
- 4) ☐ Interview Summary (PTO-413) Paper No(s) \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Claim Objections*

1. Claims 17, 19-20, 22-23, 25-26 are objected to because of the following informalities:

Re claim 17, line 3: Delete “capable of”.

Re claim 19, line 2: Delete “capable of”.

Re claim 20, line 7: Delete “capable of”.

Re claim 22, line 1: Delete “capable of being”.

Re claim 23, line 4: Substitute “a crate” with -- the crate --.

Re claim 25, line 2: Delete “capable of”.

Re claim 26, line 2: Delete “capable of”.

Appropriate correction is required.

### *Claim Rejections - 35 USC § 102*

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C. 122(b).

Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

3. Claims 1, 3-10, 14-27 are rejected under 35 U.S.C. 102(e) as being anticipated by Williams et al (US 6,047,889).

Re claims 1, 3-10, 14-27: Williams et al discloses a method for sorting objects having machine-readable indicia thereon, comprising the steps of capturing object information from the machine-readable indicia on an object 15 (fig. 2; col. 7, lines 15+); determining, based on the routing information, a correct sort destination for the object 15 (col. 3, lines 12+); generating a visual command identifying the correct sort destination for the object 15 (col. 6, lines 36+), wherein the object information is captured as the object 15 moves with manual assistance (fig. 2), wherein the generating a visual command identifying the correct sort destination for the object is performed by illuminating an indicator 74 near the correct sort destination; measuring the weight of the object 15 by weighing the correct sort destination containing the object 15 (fig. 3A; col. 6, lines 24+); verifying that the object 15 has been placed/is not placed into the correct sort destination (col. 2, lines 18+; col. 3, lines 19+; col. 6, lines 37+; and col. 7, lines 19+), wherein the verifying step is performed using a scale/weight sensor 170; a management system comprising a control system 30, a user interface 50 wherein the user interface 50 is used to input an operator's identity and to output the operator's identity to the control system 30 (col. 7, lines 45+); the system communicating with the host network (col. 2, line 57 through col. 3, line 67).

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

6. Claims 2 and 11-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Williams et al in view of Johnson, Jr. (US 5,262,597). The teachings of Williams et al have been discussed above.

Re claims 2 and 11-13, Williams et al has been discussed above but fails to teach or fairly suggest the object information is captured as the object moves on a conveyor belt and creating a record including routing information for each object, weight, sort rate, etc..

Johnson Jr. teaches the above limitation with a conveyor belt 80 for transporting all airmails (col. 4, lines 26-68) and a record of processing mails is stored in the processing unit 70 (col. 3, lines 4-68; col. 5, line 15 through col. 9, line 5).

It would have been obvious to an artisan of ordinary skill in the art at the time the invention was made to incorporate a conventional conveyor belt as taught by Johnson et al into the teachings of Williams et al in order to provide Williams with a time consuming system, wherein the operator does not have to lift or move the object to the scanning area, thus reducing labors. Furthermore,

such modification would Williams with a more organized and a more secure system wherein all object related information being record in the system for later use/checkup in the event of lost or misallocated. Accordingly, such modification would have been an obvious extension as taught by Williams, and therefore an obvious expedient.

### ***Conclusion***

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

The patents to Oh et al (US 5,446,667); Herbert (US 5,684,705); Horii et al (US 4,569,434); Reiter (US 6,178,411); Reiter (US 5,819,241); Jensen (US 5,331,118); Rando (US 5,491,328); Wurz et al (US 5,547,034); Wurz et al (US 5,689,092); Pintsov et al (US 5,936,865); Barton et al (US 5,998,752); Wurz et al (US 5,661,561); Keating et al (US 5,161,109); Reynolds et al (US 5,719,678); Malow et al (US 5,311,999); Soldavini (US 6,209,703); Sansone et al (US 5,068,797); Affaticati et al (US 5,588,520) are cited as of interest and illustrate a similar structure to a sort system and method utilizing instructions to direct placement and provide feedback.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Uyen-Chau N. Le whose telephone number is 703-306-5588. The examiner can normally be reached on Sun-Wed 6:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, MICHAEL G LEE can be reached on (703) 305-3503. The fax phone numbers for the organization where this application or proceeding is assigned are 703-308-7722 for regular communications and 703-308-7724 for After Final communications.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0956.



*Nguyen Chau N. Le*

August 26, 2002